

BINGHAM McCUTCHEN

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April 27, 2006

BY HAND DELIVERY

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Re: Biopure Securities Litigation, C.A. No. 03-12628-NG

Dear Ed:

Pursuant to the Order of Judge Gertner dated March 28, 2006, Biopure Corporation ("Biopure") is producing the following:

- (1) Documents already produced by the Defendants to the SEC during the SEC's investigation of the Defendants; and
- (2) Transcripts in the possession of the Defendants of any testimony provided by the Defendants to the SEC during the SEC's investigation of the Defendants.

Please note that these documents have been appropriately marked when confidential treatment is requested and that marking is to comply with the Order that the parties have requested in this case.

Defendants do not agree that they are obligated to produce "all documents produced to the defendants by the SEC." Defendants assert work-product protection with respect to documents they obtained from the SEC after the SEC brought the civil enforcement action. Those documents were specifically requested after a review and inspection of documents at the SEC's offices and, therefore, reflect the mental impressions of Biopure's counsel in connection with the defense of the SEC claims. In addition, there was follow-up review of documents by Biopure's counsel of documents provided by the SEC, which then led to at least two letters to the SEC by counsel and resulting productions by the SEC that also are protected by work-product. Finally, documents obtained from the SEC pursuant to Rule 34 requests also reflect counsel's mental impressions

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and work product in connection with defense of the SEC civil enforcement action. Accordingly, we decline for these reasons to produce copies of documents and transcripts requested and obtained from the SEC in the defense of the SEC action. Also, Defendants do not believe those documents were the subject of your motion, although they are protected by work product even if they were.

Bingham McCutchen LLP
bingham.com

Best regards,

Yours truly,

Handwritten signature of Robert A. Buhlman in cursive, with the initials (MTR) at the end.

Robert A. Buhlman

RAB/pmd

Enclosures

cc: Donald J. Savery, Esq.
Michael D. Blanchard, Esq.